

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas  
January 25, 1983

**TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

**TO BE A MEMBER OF THE BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM:**

For a term to expire January 24, 1989:

DAVID ELLER of Houston, Harris County, Texas, who is replacing John R. Blocker of Houston, Harris County, Texas, whose appointment was returned to this Governor.

For a term to expire January 24, 1989:

JOE REYNOLDS of Houston, Harris County, Texas, who is replacing Michel T. Halbouty of Houston, Harris County, Texas, whose appointment was returned to this Governor.

For a term to expire January 24, 1989:

DR. JOHN B. COLEMAN of Houston, Harris County, Texas, who is replacing The Honorable Bill Clayton of Springlake, Lamb County, Texas, whose appointment was returned to this Governor.

Respectfully submitted,

/s/Mark White  
Governor of Texas

**CONGRATULATORY RESOLUTION**

**S.R. 72** - By Henderson: Extending congratulations to James M. Windham, Jr.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 10:58 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

**APPENDIX**

Signed by Governor  
(January 24, 1983)

**H.C.R. 13**

**EIGHTH DAY**

(Wednesday, January 26, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Howard, Jones,

Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Absent-excused: Glasgow.

A quorum was announced present.

The Reverend Dr. L. Wayne Bryan, Director of United Campus Ministry of Austin, offered the invocation as follows:

Lord God Almighty, who has created the universe and stands now to govern Your people with truth and justice, look down upon the Senate of the State of Texas that their governance may also be full of truth and justice. Opportunity and diligence have brought them to this place and circumstance has laid heavy responsibility before them. May Your spirit guide them that truth may be the hallmark of their words and justice the measure of their actions. Help them to be straightforward and sensitive so that meaning may be evident and the needs of the people touch directly to their hearts. Oh, Lord, Your way is a way of development for all Your people - where each individual is able to grow to fulness of promise. It is that same way that we ask to be alive in this body and in our own lives. Hear us, Lord, by the spoken words and judge us by the desires of our hearts. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### **LEAVE OF ABSENCE**

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

#### **CO-AUTHOR OF SENATE BILL 29**

On motion of Senator Traeger and by unanimous consent, Senator Brooks will be shown as Co-author of S.B. 29.

#### **CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 22**

On motion of Senator Brooks and by unanimous consent, Senator Doggett will be shown as Co-author of S.C.R. 22.

#### **CO-AUTHOR OF SENATE BILL 240**

On motion of Senator Caperton and by unanimous consent, Senator Edwards will be shown as Co-author of S.B. 240.

#### **CO-AUTHOR OF SENATE BILL 45**

On motion of Senator Farabee and by unanimous consent, Senator Caperton will be shown as Co-author of S.B. 45.

#### **REPORTS OF STANDING COMMITTEES**

Senator Parker submitted the following report for the Committee on Education:

##### **S.B. 131 (Amended)**

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

##### **C.S.S.B. 135 (Read first time)**

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

C.S.S.B. 80 (Read first time)

C.S.S.B. 11 (Read first time)

Senator Howard submitted the following report for the Committee on State Affairs, Subcommittee on Nominations:

We, your Subcommittee on Nominations, to which were referred the following appointments, have had same under consideration and beg to report them back to the Senate for final consideration.

To be a Member of the TEXAS WATER COMMISSION: John D. Stover, Angelina County.

To be a Member of the TEXAS BOARD OF HUMAN RESOURCES: James C. "Jim" Conner, Harrison County.

To be Members of the VETERANS AFFAIRS COMMISSION: John E. McKelvey, Wichita County; Samuel "Sam" Bier, Travis County; Robert J. Lyons, Orange County.

To be Members of the BOARD OF DIRECTORS, RUNNELS COUNTY WATER AUTHORITY: Wesley M. Hays, Runnels County; Ernest E. Thormeyer, Runnels County; Charles Thomas Boecking, Runnels County; Ray Alderman, Runnels County; Arnold Frerich, Runnels County; Elliott J. Kemp, Runnels County.

To be Members of the LOWER CONCHO RIVER WATER AND SOIL CONSERVATION AUTHORITY: Norban Alton "Rusty" Taylor, Concho County; Edwin T. "Ed" Tickle, Concho County; Harvey P. Williams, Concho County.

To be Members of the CENTRAL COLORADO RIVER AUTHORITY: Ross Jones, Coleman County; A. D. Pettit, Coleman County; Clyde Thate, Coleman County.

To be CRIMINAL DISTRICT ATTORNEY OF JACKSON COUNTY: Robert E. Bell, Sr., Jackson County.

To be ASSOCIATE JUSTICE, 10th COURT OF APPEALS: Thomas George Chase, McLennan County.

To be JUDGE OF THE 214th JUDICIAL DISTRICT: Steven William Fieldcamp, Nueces County.

To be DISTRICT ATTORNEY OF THE 109th JUDICIAL DISTRICT: Michael L. Fostel, Winkler County.

To be ASSOCIATE JUSTICE OF THE 13th COURT OF APPEALS: Raul A. Gonzalez, Cameron County.

To be CRIMINAL DISTRICT ATTORNEY OF HIDALGO COUNTY: Rene A. Guerra, Hidalgo County.

To be DISTRICT ATTORNEY OF THE 31st and 223rd JUDICIAL DISTRICTS: Guy Hardin, Wheeler County.

To be JUDGE OF THE 148th JUDICIAL DISTRICT: David Vance Herin, Nueces County.

To be JUDGE OF THE 175th JUDICIAL DISTRICT, BEXAR COUNTY: Phil G. Chavarria, Jr., Bexar County.

**FLOOR PRIVILEGES GRANTED**

On motion of Senator Traeger and by unanimous consent, Mr. Hal Nelson, General Counsel, Texas Department of Health, was granted privileges of the floor in order to sit at Senator Traeger's desk during the proceedings of the Senate today.

**SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time and referred to the Committee indicated:

**S.B. 235** by Sharp, Brooks, Brown Education  
Relating to the acquisition and disposition of land by the University of Houston System.

**S.B. 236** by Harris, Santiesteban State Affairs  
Relating to the Texas 1986 Sesquicentennial Commission.

**S.B. 237** by Henderson Natural Resources  
Relating to a moratorium on the issuance of certain waste discharge permits.

**S.B. 238** by Uribe Health and Human Resources  
Relating to the regulation of lay midwives; providing penalties.

**S.B. 239** by Parmer Jurisprudence  
Relating to the authority of the attorney general to sue to restrain or enjoin violations of certain consumer protection laws.

**S.B. 240** by Caperton, Edwards Education  
Relating to sick leave for teachers and other personnel regularly employed in the public schools of Texas; amending Subsections (a), (b), and (c), Section 13.904, Texas Education Code, as amended.

**S.B. 241** by Whitmire Economic Development  
Relating to the regulation of persons who detect deception, verify statements, or elicit information through the use of an audio stress detector.

**S.B. 242** by Doggett Health and Human Resources  
Relating to the conveyance to the city of Austin of the state's right of reverter or reversion in certain real property.

**S.B. 243** by Parker Natural Resources  
Relating to research and management of alligators, fur-bearing animals, and other wildlife resources, and to the removal of alligators and fur-bearing animals from wildlife management areas.

**S.B. 244** by Washington Jurisprudence  
Relating to the mandatory use of interest earned on certain client funds held by attorneys to provide legal services to the indigent in civil matters.

**S.B. 245** by Blake Natural Resources  
Relating to representation and recovery of damages in a suit for unauthorized discharge of waste into water.

**S.B. 246** by Caperton Intergovernmental Relations  
Relating to the establishment, personnel, powers and duties, and financing of a juvenile board for Milam, Robertson, and Falls counties; providing for cooperation by political subdivisions and associations.

**S.B. 247** by Jones Intergovernmental Relations  
Relating to the creation of a judicial district, composed of Taylor County, and to the compensation of the judges of the district courts in Taylor County.

## Economic Development

Relating to regulation of the practice of electrolytic hair removal; providing a penalty.

**S.B. 249 by Sharp**

## Natural Resources

**Relating to the Matagorda Island State Park and Wildlife Management Area.**

## MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

## Austin, Texas

January 26, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR  
SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, Mark White, Governor of the State of Texas, submit the following emergency matters for immediate consideration by the 68th Legislature, now convened:

**S.B. 183**, by Santiesteban, relating to certain permits and leases for public school, university, and asylum land.

Respectfully submitted,

/s/Mark White

Governor of Texas

## MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

## Austin, Texas

January 25, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR  
SESSION:

Please be advised that on January 25, 1983, I submitted the following names for appointment to the BOARD OF REGENTS OF TEXAS A&M UNIVERSITY SYSTEM: JOE REYNOLDS, of Houston, Harris County, Texas; Dr. JOHN B. COLEMAN, of Houston, Harris County, Texas; and DAVID ELLER, of Houston, Harris County, Texas. Please correct your records to show the expiration date as January 10, 1989.

Respectfully submitted,

/s/Mark White

Governor of Texas

## RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

**S.C.R. 13**

S.C.R. 5

**S.C.R. 9**

S.C.R. 12

**GUESTS PRESENTED**

Senator Washington was recognized and presented a large delegation, seated in the Gallery, of members of the Texas Credit Union League.

The Senate welcomed them as guests for today.

**SENATE BILL 6 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 6**, Relating to child passenger safety seat systems; providing a penalty.

The bill was read second time and was passed to engrossment.

**SENATE BILL 6 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 6** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1, Present-not voting 1.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Washington.

Present-not voting: Howard.

Absent: Santiesteban.

Absent-excused: Glasgow.

The bill was read third time and was passed.

**COMMITTEE SUBSTITUTE SENATE BILL 98 ON SECOND READING**

On motion of Senator Traeger and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 98**, Relating to the composition, powers, and duties of the Texas Board of Health, the Commissioner of Health, and the Texas Department of Health.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **C.S.S.B. 98** by striking subdivision (1) of subsection (a) of Section 1.04 and substituting in lieu thereof the following:

“(1) six members who are physicians currently licensed under the laws of this state, each of whom has been engaged in the practice of medicine in this state for at least five years prior to appointment; one of whom must be a doctor of osteopathy.”

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### COMMITTEE SUBSTITUTE SENATE BILL 98 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 98 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

#### NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Howard gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

#### SENATE BILL 213 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 213**, Relating to notice and probable cause hearings in connection with orders of protective custody; amending Article 5547-66 and Subsections (b) and (d), Article 5547-67, Texas Mental Health Code, as amended.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend **S.B. 213** by adding a new SECTION 3 to read as follows:

SECTION 3. Article 5547-8, Texas Mental Health Code, as amended, is amended to read as follows:

"Article 5547-8. Certificate of Medical Examination for Mental Illness

"A sworn Certificate of Medical Examination for Mental Illness shall be dated and signed by the examining physician, and shall state:

"(a) The name and address of the examining physician;

"(b) The name and address of the person examined;

"(c) The date and place of the examination;

"(d) A brief diagnosis of the physical and mental condition of the person examined;

"(e) The period of time, if any, that the person examined has been under the care of the examining physician; and

"(f) The opinion of the examining physician and the factual basis for that opinion as to whether the person examined is mentally ill, and if so —

"(1) whether he requires observation and treatment in a mental hospital; or

"(2) whether he requires hospitalization in a mental hospital; and

"(3) if the certificate is to be used in support of an Order of Protective Custody pursuant to Article 5547-66 of this code, whether, because of his mental illness, he

presents a substantial risk of serious physical harm [is likely to cause injury] to himself or to others if not immediately restrained.

“(g) An accurate description of the type or kind of treatment, if any, given or administered by or under the direction of the examining physician or the head of the hospital.”

and renumber the remaining sections accordingly.

FARABEE  
VALE

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

### SENATE BILL 213 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 213 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

### TIME FOR COMMITTEE MEETING CHANGED

On motion of Senator Farabee and by unanimous consent, the meeting of the Committee on State Affairs scheduled to meet today at 2:00 o'clock p.m. was changed to 1:45 o'clock p.m. today.

### RECESS

On motion of Senator Brooks, the Senate at 11:36 o'clock a.m. took a recess until 2:30 o'clock p.m. today.

### AFTER RECESS

The Senate met at 2:30 o'clock p.m. and was called to order by the President.

### REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 182

By unanimous consent, Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 4

S.B. 194 (Amended)

By unanimous consent, Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 183



**NOMINATIONS COMMITTEE GRANTED  
PERMISSION TO MEET**

On motion of Senator Howard and by unanimous consent, the Subcommittee on Nominations was granted permission to meet at Senator Howard's desk in order to consider the nomination of Mrs. John (Pinky) Wilson, to be a Member of the Board of Directors, Lower Colorado River Authority.

**SENATE RESOLUTION 73**

Senator Jones offered the following resolution:

**S.R. 73**, In memory of Robert Glen Head, crossing guard for Coggin Elementary School in Brownwood, who died tragically saving the life of a five-year-old student.

The resolution was read and was adopted.

**ESCORT COMMITTEE APPOINTED**

In accordance with the provisions of **S.C.R. 12**, the President announced the appointment of the following as a Committee to Escort Senator John Glenn to the Joint Session: Senators Blake, Edwards, Farabee, Jones and Lyon.

**NOMINEE CONFIRMED**

Senator Howard moved that all necessary rules be suspended in order to consider the nomination immediately and confirm Mrs. John (Pinky) Wilson to be a Member of the Board of Directors, Lower Colorado River Authority.

The motion prevailed and Mrs. Wilson was confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

**SENATE BILL 183 ON SECOND READING**

On motion of Senator Santiesteban and by unanimous consent, the regular order of business and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 183**, Relating to certain permits and leases for public school, university, and asylum land. (Submitted by Governor as an emergency.)

The bill was read second time and was passed to engrossment.

**SENATE BILL 183 ON THIRD READING**

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 183** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Williams.

Nays: Washington, Whitmire.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Williams.

Nays: Washington, Whitmire.

Absent-excused: Glasgow.

#### SENATE RESOLUTION 84

Senator Sharp, on behalf of Senator Glasgow, offered the following resolution:

WHEREAS, The Honorable John Wilson served the people of Texas loyally and ably as a Member of the House of Representatives and as State Senator for 10 years; and

WHEREAS, During those 10 years, Senator Wilson made an indelible imprint in the hearts and minds of his fellow Senators who will remember forever the courage and dedication of this gentle man; and

WHEREAS, The true nature of this outstanding public servant can best be summarized in his own words as he addressed the Senate on his election as President Pro Tempore, on September 7, 1982; now, therefore, be it

RESOLVED, That the Senate of the State of Texas would like to present to Senator Wilson's wife, Pinky Wilson, a selected portion of these remarks in memory, honor and love of their friend and colleague.

The resolution was read and was adopted.

#### GUEST PRESENTED

The President presented Mrs. Wilson to the Members of the Senate. She was greeted with a standing ovation.

The President then presented the plaque to Mrs. Wilson. It read: "The foundation, the principles, upon which this great country was founded are more alive and well in Texas than anywhere in the world. These principles are democracy and freedom and free enterprise and christianity. We are the standard-bearer, I think, for the world."

#### MOTION TO ADJOURN

On motion of Senator Brooks, the Senate agreed at 2:45 o'clock p.m. to stand adjourned at the conclusion of the Joint Session until 10:00 o'clock a.m. tomorrow.

#### JOINT SESSION

(To hear address of The Honorable John Glenn, Member of the United States Senate from Ohio)

The President announced that the hour for the Joint Session of the two Houses to hear the address of Senator John Glenn, pursuant to the provisions of S.C.R. 12, had arrived.

Accordingly, the Senators present, accompanied by the Secretary of the Senate and the Sergeant-at-Arms repaired to the Hall of the House at 3:00 o'clock p.m.

The President, by invitation of the Speaker of the House, occupied a seat on the Speaker's Rostrum.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Gib Lewis, Speaker of the House, stated the purpose of the Joint Session and announced a quorum of the House present.

The Honorable John Glenn, accompanied by members of his party, was announced by the Doorkeeper of the House.

The Senator's party was escorted to the Speaker's Rostrum by Senators Blake, Edwards, Farabee, Jones and Lyon on the part of the Senate and Representatives Green, Waldrop, Polk, Rudd, Sutton, Price, Barrientos, Barton of Hays, Colbert, Harrison of Terrell, Gavin and Hudson of Smith on the part of the House.

The President presented The Honorable John Glenn, who addressed the Joint Session. (Full text of Senator Glenn's remarks to be found in House Journal of January 26, 1983.)

At the conclusion of his address, Senator Glenn was presented with a gavel from the House of Representatives by Speaker Lewis.

#### MEMORIAL RESOLUTIONS

S.R. 74 - By Brooks: Memorial resolution for Lester Roloff.

S.R. 75 - By Doggett: Memorial resolution for Reverend Admiral D. DeWitty.

S.R. 76 - By Brooks, Washington: Memorial resolution for Reverend L. V. Winfield.

S.R. 77 - By Brooks: Memorial resolution for Frank E. Smith.

#### WELCOME RESOLUTION

S.R. 82 - By Truan: Extending welcome to Isaac Lee Hernandez-Stansell, Honorary Page for the Day.

#### ADJOURNMENT

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 3:32 o'clock p.m. would stand adjourned, in memory of Robert Glenn Head, until 10:00 o'clock a.m. tomorrow, in accordance with a motion previously adopted in the Senate.

#### APPENDIX

Sent to Governor  
(January 26, 1983)

S.C.R. 5

S.C.R. 9

S.C.R. 12

S.C.R. 13

#### NINTH DAY

(Thursday, January 27, 1983)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer,